(6c)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

Writ Petition (C) No.5350 of 2006

PETITIONER Puran Lal Jotwani, aged about 33 years, son of Shri Kishan Chand Jotwani, resident of Tilda Neora, Post Neora, District Raipur (Chhattisgarh)

VERSUS

RESPONDENTS

1. The Chhattisgarh State Civil Supplies Corporation Limited through – Its Managing Director, Head Office, Behind Madina Building, Baal – Ashram Premises, Kachhari Chowk, Raipur (C.G.)
2. The Chief General Manager (Transport), Chhattisgarh State Civil Supplies Corporation, Head Office- Kachhari Chowk , Raipur (C.G.)
3. The District Manager, Chhattisgarh State Civil Supplies Corporation, District Office- Devendra Nagar, Distt. Raipur (C.G.)

Present: Shri J.N. Nande, learned counsel for the petitioner.

ORAL ORDER
(Passed on 04 October 2006)

The following oral order of the Court was passed by **S.R. NAYAK, CJ.**

The petitioner in response to the advertisement issued by the 1st respondent calling for tenders for transporting food-grains within the jurisdiction of Simga as well as Tilda depot, submitted his tenders, but he did not comply with the condition No. 4.2 of the tender notification. In that view of the matter, the 1st respondent did not consider the tender submitted by the petitioner. In the circumstance, this writ

petition is filed for a direction to the respondents-authorities to consider the tender submitted by the petitioner.

(2) A short question that arises for decision is whether the respondents are justified in refusing to consider the tender submitted by the petitioner. It is needless to state that unless a persons who submits tender fulfills tender conditions, he would not acquire a right to be considered. Condition No. 4.2 of the notification provides thus:

> 4.2 निविदाकार को रूपये 5.00 लाख (रू. पांच लाख मात्र) के परिवहन कार्य का अनुभव प्रमाण पत्र शासकीय विभाग/शासन के उपक्रम अथवा अन्य अर्द्धशासकीय विभाग के अंतर्गत खाद्यान परिवहन के मामले में विगत तीन वर्षों (2003–04, 2004–05 व 2005–06) में किसी एक वर्ष में वांछित प्रमाण पत्र (कार्यालय प्रमुख द्वारा जारी) की सत्यप्रति लगाया जाना अनिर्वाय होगा ।

Admittedly, the petitioner did not produce the experience certificate as required under condition No. 4.2. However, it was the contention of the learned counsel for the petitioner that the certificate dated 19th August 2006, a copy of which is produced as Annexure P/3 at page No. 52 of the material papers would satisfy the condition No. 4.2 of the tender notification. Annexure P/3 dated 19th August 2006 reads as follows:

> <u>प्रमाण पत्र</u>
>
> "प्रमाणित किया जाता है कि श्री पुरव जीत वर्मा लीड ट्रांसपोर्टर वर्ष 2005–06 में लीड संस्था अमनपुर का परिवहन किया गया है कार्य संतोष प्रद पाया गया एवं लीड संस्था परिवहन का पूर्ण अुनबंध है।"

(3) Annexure P/3 speaks only about the petitioner having worked as transporter in the year 2005-2006 for an institution at Abhanpur. Therefore, Annexure P/3, it could not be said, satisfies the condition No. 4.2 of the tender notification. It is needless to state that the respondents-authorities can refuse a tender of a person when it finds that such applicant for contract does not satisfy the terms and conditions of the tender notification. Therefore, we cannot take any exception to the action of the respondents-authorities in not considering the tender of the petitioner. The writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge